

App No. ~~33816~~
34170

AGREEMENT

AGREEMENT made this 29 day of January, 1999, by and between Chinatown, Inc., t/a The Rock (the Licensee) and Desmond P. Foynes (the Protestant).

WITNESSETH:

WHEREAS, pending before the District of Columbia Alcoholic Beverage Control Board ("the ABC Board") is Licensee's request for a substantial change, consisting of requesting permission to sell alcohol on a sidewalk cafe at premises 717 -6th Street, N.W., Case No. 34170-99107P; and

WHEREAS, Desmond Foynes has filed a letter in opposition to the granting of this request; and

WHEREAS, the parties desire to enter into an agreement commemorating certain understandings regarding the business;

NOW, THEREFORE, the parties agree as follows:

1. Licensee will remove the green container and the gray dumpster from the alley on the side of the premises.
2. Licensee agrees that it will not use the alley for storage of trash, but will place the trash in the dumpster.
3. Licensee will not store beer kegs in the alley.
4. In consideration of, and in reliance upon the above, Protestant hereby withdraws his protest to the Licensee's request for a substantial change.

IN WITNESS WHEREOF, the parties have affixed their hands and seals on the day and year first above written.

PROTESTANT:

Desmond Foynes
Desmond Foynes

APPLICANT: CHINATOWN, INC.

By Joseph Englert, President

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

In the Matter of :

Chinatown, Inc.
t/a The Rock

Application for a Retailer's License
CT – substantial change
at premises
717 – 6th Street, N.W.
Washington, D.C.

Case No. 34170-99017P

Desmond P. Foynes, Protestant

Joe Englert, President, on behalf of Applicant

**BEFORE: Roderic L. Woodson, Esquire, Chair
Vera Abbott, Member
Allen Beach, Member
Ellen Oppen-Weiner, Esquire, Member
Max Salas, Member
Joseph Wright, Member**

ORDER ON WITHDRAWN PROTEST

The request to expand the licensed premises to include a sidewalk café with a seating capacity of 18, was protested. The matter came before the Board for public hearing on December 9, 1998, in accordance with D.C. Code Section 25-115(c)(5)(1999 Supp.), providing for the protestant to be heard. Desmond P. Foynes filed a timely protest letter dated November 24, 1998.

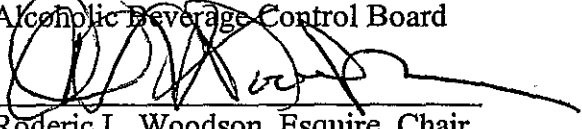
The official records of the Board reflect that the parties have now reached an agreement that has been reduced to writing, and has been properly executed and filed with the Board. Pursuant to the agreement dated January 29, 1999, the protestant has agreed to withdraw the opposition, provided however, the Board's approval of the pending amendment to the application is conditioned.

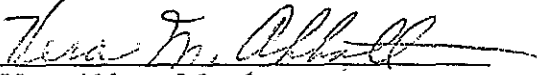
Accordingly, it is this 29th day of September, 1999, **ORDERED** that:


Chinatown, Inc.
t/a The Rock
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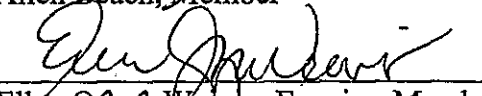
1. The protest of Desmond P. Foynes, be, and the same hereby, is **WITHDRAWN**;
2. The request of Chinatown, Inc. t/a The Rock to expand the licensed premises to include a sidewalk café with a seating capacity of 18 at premises 717 6th Street, N.W., Washington, D.C., be, and the same hereby, is **GRANTED**; and,
3. The above-referenced agreement between the parties, be, and the same hereby, is **INCORPORATED** as part of this **ORDER**;
4. Copies of this Order shall be sent to the Protestant and the Applicant.

District of Columbia
Alcoholic Beverage Control Board


Roderic L. Woodson, Esquire, Chair


Vera Abbott, Member


Allen Beach, Member


Ellen Oppenheimer, Esquire, Member


Max Salas, Member

Joseph Wright